

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD JAMES CROMER,

Plaintiff,

Case No. 1:07-cv-9

Hon. Robert J. Jonker

vs.

MELINDA K. BRAMAN, *et al.*,

Defendants.

ORDER

This matter is now before the court on plaintiff's "motion for discovery" (docket no. 81), "4th motion for discovery" (docket no. 84), "A letter to Judge and Attorney General 3rd motion for discovery" (docket no. 85), and "motion for discovery 4th" (docket no. 96), and defendants' "renewed/second motion to stay discovery" (docket no. 93).

Plaintiff's motions for discovery

The court has previously advised plaintiff that a court order is not required to perform discovery, Fed. R. Civ. P. 26, and that he should send discovery requests directly to defendants. *See Order* (Nov. 7, 2007). Accordingly, plaintiff's motions for discovery (docket nos. 81, 84 and 96) are **DENIED**

Plaintiff's letter regarding discovery

Next, the record reflects that plaintiff has sent a "letter" to the court and the attorney general which he refers to as his "3rd motion for discovery." Although plaintiff's "letter" has not been docketed as a motion, defendants have construed it as such. This "letter" appears to be an

attempt by plaintiff to secure discovery through the use of an inappropriate court filing. Accordingly, plaintiff's letter (docket no. 85) is **STRICKEN**.

Defendants' renewed/second motion to stay discovery

Finally, defendants seek to stay discovery on the ground that their pending summary judgment motion raises the affirmative defense of qualified immunity. The court has the authority to stay discovery pending resolution of a qualified immunity defense. *See Siegert v. Gilley*, 500 U.S. 226, 231 (1991); *English v. Dyke*, 23 F.3d 1086, 1089 (6th Cir. 1994). A stay of discovery is properly granted until the issue of immunity is resolved. *See Kennedy v. City of Cleveland*, 797 F.2d 297, 298-99 (6th Cir. 1986) (noting that "a claim of immunity raises an interest in an early, and inexpensive, termination of the litigation"). Accordingly, defendants' renewed/second motion to stay discovery (docket no. 93) is **GRANTED**.

Discovery is hereby stayed until further order of the court.

IT IS SO ORDERED.

Dated: September 18, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge